

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CAROL LEWIS,

Plaintiff,

v.

SYLVIA MATHEWS BURWELL
Secretary of the Department of Health
and Human Services,

Defendant.

Civil Action No.:
1:15-CV-13530-NMG

DEFENDANT’S MOTION TO AMEND THE JUDGMENT

The Defendant requests that, in accordance with the Administrative Record of the case, the Court amend its Final Judgment entered on April 6, 2018 to remand the case to Defendant with instructions to provide Medicare coverage for the specific claims at issue. *See, e.g., Bowen v. Massachusetts*, 487 U.S. 879, 893-901 (1988).

The Administrative Record in the case, filed with the Court, shows that Medicare denied coverage for five claims for coverage of Plaintiff’s Medtronic continuous glucose monitor (“CGM”). The five claims, as shown by the Administrative Record, are summarized in the Administrative Record, pages 752-755. *See* Attachment 1 to this Motion, Letter to Carol Lewis denying five claims for coverage. *See also*, Administrative Record at 764-768, 679-686. The claims are:

Provider Name	CCN	Service Dates	Submitted Amt
MINIMED DISTRIB	12074701483000	03/12-03/12/2012	\$420.00
MINIMED DISTRIB	12090717327000	06/06-06/06/2011	\$420.00
MINIMED DISTRIB	12108700574000	03/23-03/23/2012	\$649.00
MINIMED DISTRIB	12172714577000	06/18-06/18/2012	\$420.00
MINIMED DISTRIB	12263710308000	09/17-11/13/2012	\$933.00

The total amount of coverage of the five claims is \$2,842.¹

Amendment of the judgment to specify the coverage ordered will provide certainty regarding the Judgment and will assist Plaintiff in facilitating enforcement, if necessary.

A proposed Judgment is attached hereto.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

/s/ Anita Johnson

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¹ Plaintiff does not allege that she paid these claims, and she did not. Medicare has or will reimburse Plaintiff's CGM provider, Medtronic.

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Certificate of Service and Rule 7.1 Conference

I hereby certify that the foregoing will be filed through the electronic filing system of the Court, which system will serve counsel for Plaintiff electronically, and that I consulted with counsel for Plaintiff regarding this motion, on this fourth day of May 2018.

/s/ Anita Johnson